

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Anders Lehmann et al.
 Serial No. : 10/517,869
 Filing or 371(c) Date : October 12, 2005
 For : USE OF MgLUr5 ANTAGONISTS FOR
 THE TREATMENT OF GERD
 Examiner : Lewis, Amy A.
 Group Art Unit : 1614

CERTIFICATE OF EFS-WEB TRANSMISSION	
I hereby certify that this paper is being transmitted via the Electronic Filing System to the U.S. Patent and Trademark Office on the date indicated below.	
<u>/Andrew Fessak/</u>	48,528
Signature	Reg. No.
<u>Andrew Fessak</u>	May 4, 2009
Signer's Name	Date

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
 (under 37 C.F.R. §1.97(e)(1))

Sir:

Applicants submit this communication in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. Favorable consideration of the documents cited on the attached Form PTO/SB/08A is respectfully requested.

By this communication, Applicants wish to make of record the two identified post-grant oppositions, and documents cited in support thereof, filed against the granted European patent EP 1 513 525 B1 belonging to the same patent family as the referenced U.S. application.

The first opposition was filed by Novartis AB and cites the following documents:

- J. T. GREENAMYRE ET AL., "Anatomy and physiology of glutamate in the CNS", *Neurology* 44 (Suppl. 8), Nov., S7-S13, 1994.
- D. P. HIRSCH ET AL., "Involvement of Glutamate to Transient Lower Esophageal Sphincter Relaxations in Man", *Gastroenterology* 120, A-630 (3197), 2001.
- J. A. SAUGSTAD ET AL., "L-2-amino-3-phosphonopropionic acid competitively antagonizes metabotropic glutamate receptors 1 α and 5 in *Xenopus* oocytes", *Euro. J. of Pharm.* 289:395-397, 1995.
- A. E. KINGSTON ET AL., "Pharmacological Analysis of 4-Carboxyphenylglycine Derivatives: Comparison of Effects on mGluR1 α and mGluR5 α Subtypes", *Neuropharm.* Vol. 34, 8:887-894, 1995.

The second opposition was filed by Addex Pharma S.A. and cites the following documents:

- HORNBY ET AL., "Receptors and Transmission in the Brain-Gut Axis II. Excitatory amino acid receptors in the brain-gut axis", *The Am. J. Physiological Society*, 280: G1055-G1060, 2001.
- LEHMANN ET AL., "Effects of antagonism of NMDA receptors on transient lower esophageal sphincter relaxations in the dog", *European J. of Pharm.* 431:253-258, 2001.
- O'LEARY ET AL., "Selective mGluR5 antagonists MPEP and SIB-1893 decrease NMDA or glutamate-mediated neuronal toxicity through actions that reflect NMDA receptor antagonism", *British J. of Pharm.* 131:1429-1437, 2000.
- LIU ET AL., "Agonist-and Reflex-Evoked Internalization of Metabotropic Glutamate Receptor 5 in Enteric Neurons", *The J. of Neuroscience*, 20(9):3200-3205, May 1, 2000.
- BLACKSHAW ET AL., "Gastrointestinal pharmacology.-new therapeutic vistas", *Current Opinion in Pharm.* 1:561-562, 2001.
- KIRCHGESSNER, A., "Glutamate in the enteric nervous system", *Current Opinion in Pharm.* 1:591-596, 2001.

Time Of Transmittal Of Information Disclosure Statement

This Information Disclosure Statement is being filed after three months of the filing date of this national application or the entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but before the mailing date of either:

- (1) a final action under §1.113 or
- (2) a notice of allowance under §1.311,

whichever occurs first.

Statement or Fee

Accompanying this Information Disclosure Statement is

A. ☒ a statement as specified in 37 C.F.R. §1.97 (e).

or

B. ☐ the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

Statement

The following documents were first cited in two opposition proceedings before the European Patent Office ("EPO") bearing the EPO date stamp of 13 February 2009 and 17 February 2009, i.e., not more than three months prior to the filing of this Information Disclosure Statement, in connection with European patent EP 1 513 525 B1 belonging to the same patent family as the referenced U.S. application.

If any fee is required, the Assistant Commissioner is authorized to charge such fee to Deposit Account No. 23-1703.

Dated: May 4, 2009

Respectfully submitted,

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